

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

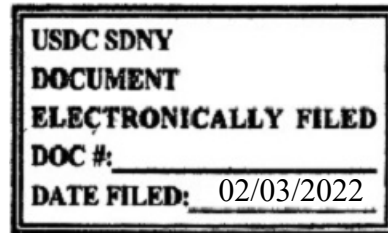
CALVIN REED,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.



20-CV-8352 (JPC) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

On August 20, 2021, acting pursuant to *Valentin v. Dinkins*, 121 F.3d 72, 76 (2d Cir. 1997), the Court directed the Corporation Counsel of the City of New York (Corporation Counsel) to provide, no later than October 19, 2021, the "identities and badge numbers of those unidentified defendants" named in the *pro se* plaintiff's amended complaint who are members of the New York Police Department (NYPD). (Dkt. No. 15 at 2, 5-6.) On October 15, 2021, Corporation Counsel requested a stay of this case pending resolution of various of plaintiff's criminal proceedings, or, in the alternative, an extension of 60 days, until December 18, 2021, to respond to the Court's *Valentin* order. (Dkt. No. 26.) The Court granted Corporation Counsel the 60-day extension. (Dkt. No. 27.) On December 17, 2021, Corporation Counsel once again requested an extension – this time, of 45 days – to respond to the Court's *Valentin* order. (Dkt. No. 33.) The Court once again granted Corporation Counsel the requested extension, until February 1, 2022, but noted that no further extensions would be granted "absent compelling circumstances." (Dkt. No. 34.)

Now before the Court is Corporation Counsel's letter dated February 1, 2022, which identifies multiple police officers and detectives in partial response to the Court's *Valentin* order, but explains that it is still unable to identify "Defendants John Doe #1-#3 (warrant officers)," who allegedly arrested plaintiff on September 10, 2019 (9/10/19 Warrant Officer Defendants), or "three (3) plain clothes police officers," who allegedly arrested plaintiff on August 3, 2020 (8/3/20 Plain

Clothes Defendants). Consequently, Corporation Counsel requests a further 60-day extension of time to respond to the Court's *Valentin* order, as well as leave to serve pre-discovery identification interrogatories on plaintiff, who is currently incarcerated. (Dkt. No. 37.)

The application is GRANTED IN PART.

It is hereby ORDERED that if plaintiff wishes to assert claims against the 9/10/19 Warrant Officer Defendants and the 8/3/20 Plain Clothes Defendants, he must submit a letter, **no later than March 4, 2022**, providing a more detailed description of each of the 9/10/19 Warrant Officer Defendants, and each of the 8/3/20 Plain Clothes Defendants, to assist Corporation Counsel in properly identifying them, including:

(1) **when** (approximate time of day) on September 10, 2019 the 9/10/19 Warrant Officer Defendants approached and detained plaintiff;¹

(2) **where** (street address of a building, an intersection, or some other identifying location) the 9/10/19 Warrant Officer Defendants approached and arrested him;²

(3) a **physical description** (approximate height and weight, gender, and skin, eye, and hair color) of the 9/10/19 Warrant Officer Defendants. If plaintiff knows any of these defendants' names or badge numbers, that information must also be provided.

¹ The Court notes that, in his Amended Complaint (Am. Compl.) (Dkt. No. 12), plaintiff states that these defendants approached him "[a]t approximately 10:00 a.m.," when he was "about to prepare [him]self for bed." *Id.* at ECF page 9. Plaintiff shall specify whether the 9/10/19 Warrant Officer Defendants approached and arrested him at approximately 10:00 *a.m.* or 10:00 *p.m.*

² The Court notes that in his Amended Complaint, plaintiff states he was approached and arrested at or near a "BRC men[s] shelter located on West Fordham Road, the Bronx, NY." Am. Compl. at ECF page 9. According to BRC's website, *see* <https://www.brc.org/shelter> (last visited Feb. 2, 2022), the only shelter located in the Bronx is the "Reaching New Heights Residence," which is located at 237 *Landing* Road, Bronx, NY, 10468 (approximately one block from West Fordham Road). Plaintiff shall confirm whether he was at the Reaching New Heights Residence on Landing Road, or otherwise where he was located when the 9/10/19 Warrant Officer Defendants approached and arrested him.

(4) **when** (approximate time of day) on August 3, 2020 the 8/3/20 Plain Clothes Defendants approached and detained plaintiff;

(5) **where** (street address of a building, an intersection, or some other identifying location) the 8/3/20 Plain Clothes Defendants approached and arrested him;³

(6) a **physical description** (approximate height and weight, gender, and skin, eye, and hair color) of the 8/3/20 Plain Clothes Defendants. If plaintiff knows any of these defendants' names or badge numbers, that information must also be provided.

Within thirty days after plaintiff provides this information, Corporation Counsel shall identify the defendants whom plaintiff seeks to sue here, if possible, and the address(es) where these defendants may be served.

Within thirty days after Corporation Counsel identifies these defendants, if any, plaintiff shall file his second amended complaint. Once this is done, the Court will review it and, if necessary, issue an order directing service on the newly identified defendants.

Plaintiff is reminded that all pleadings, letters and other documents filed with the Court must clearly **identify the caption of this case** (as shown on page 1 of this Order), including the docket number (20-CV-8352 (JPC) (BCM)), and must be **signed** by the party submitting them. *Pro se* parties may file pleadings, letters, and other documents with the Court by using any of the following methods:

- a. Mail or deliver the documents to the Pro Se Intake Unit, Room 105,
Thurgood Marshall Courthouse, 40 Foley Square, New York, NY 10007.

The Pro Se Intake Unit (telephone 212-805-0175) may be of assistance to

³ The Court notes that in his Amended Complaint, plaintiff states he was "on my job" on August 3, 2020, when he was arrested. Am. Compl. at ECF page 16. Plaintiff shall provide the name of his employer and the address of his job.

pro se litigants in connection with court procedures, but cannot provide legal advice.

- b. Drop off the document in the drop box located in the lobby of the U.S. Courthouse at 500 Pearl Street, New York, NY, 10007.
- c. Email the documents to Temporary_Pro_Se_Filing@nysd.uscourts.gov. Instructions for filing documents by email may be found on the Court's website at nysd.uscourts.gov/forms/instructions-filing-documents-email.

The Court notes that the City of New York and Officer Dennis have filed an Answer (Dkt. No. 36), but there is no indication on the docket of this action that it has been served on plaintiff. Defendants shall promptly file a proof of service of the Answer.

The Clerk of Court is respectfully directed to mail a copy of this Order to plaintiff.

Dated: New York, New York
February 3, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge